

REMARKS

In the Office Action, claims 1 and 3-7 were allowed, claim 28 was indicated as allowable if rewritten in independent form, and claims 8-27 were rejected. Applicants thank the Examiner for allowing claims 1 and 3-7 and for indicating the allowability of claim 28. The language of allowable claim 28 has been added to independent claim 22 from which it directly depends. Accordingly, independent claim 22 and its dependent claims 23-27 should be in condition for allowance.

By this Reply and Amendment, claims 8, 16 and 22 have been amended, claim 28 has been canceled without prejudice, and claims 1 and 2-27 remain pending in the present application. The claim amendments are fully supported in the specification and figures (see, for example, paragraphs 0016, 0020, 0021, 0022, 0024, 0025 and Figures 2-6). No new matter has been added.

Claims 8-27 were rejected under 35 USC 103(a) as unpatentable over the Tubel et al. reference, US Patent No.: 6,201,489, in view of the McCoy reference, US Patent No.: 5,117,399. Applicants respectfully traverse this rejection; however independent claim 22 has been amended to add language of allowable claim 28 and independent claims 8, 16 have been amended to clarify the claim language. The cited references fail to disclose elements of the rejected claims.

The Office Action states the Tubel et al. reference "does not specifically disclose comparing the bottomhole flowing pressure and the reservoir pressure to determine an underbalance and adjusting the bottom hole pressure to maintain the level of underbalance in proximity to a maximum underbalance". (See Office Action, page 2). The McCoy reference is relied on as providing this teaching at column 1, lines 42-43. However, Applicant again respectfully submits this assertion is incorrect. The McCoy reference actually teaches that "bottom hole pressure should be maintained at a minimum value compared to the reservoir pressure in order to obtain the maximum production from the well" (*emphasis added*) (see column 1, lines 41-43). However, the presently amended claims are readily distinguishable over the cited references and clearly reflect the distinct solutions provided and claimed in the present

application relative to the teachings of McCoy. The McCoy reference teaches away from the approach of maintaining an "underbalance" at less than a maximum underbalance and in proximity to a predetermined underbalance selected to prevent mechanical instability of the formation, as set forth in amended, independent claims 8 and 16.

The cited references, whether taken alone or in combination, fail to disclose elements of the subject claims. By way of specific example, the references fail to disclose or suggest comparing a bottom hole flowing pressure to a reservoir pressure in real-time "to determine an underbalance as a fluid is produced from the formation" as recited in independent claim 8. The references also fail to disclose or suggest continuously adjusting the bottom hole flowing pressure "to maintain the level of underbalance at less than the maximum underbalance and in proximity to a predetermined maximum underbalance that prevents mechanical instability of the formation" as recited in amended, independent claim 8. Similarly, the references fail to disclose or suggest a flow control mechanism able to continuously adjust the ratio of bottom hole flowing pressure to reservoir pressure "to maintain a level of underbalance at less than a maximum underbalance and in proximity to a predetermined optimal underbalance able to prevent mechanical instability of the formation" as recited in amended, independent claim 16. Independent claim 22 has been amended to add the language of allowable claim 28, as discussed above. Accordingly, independent claims 8, 16 and 22 contain elements that are not disclosed, taught or suggested by the cited references, and the rejection of those claims should be withdrawn.

Claims 9-15, 17-21 and 23-27 ultimately depend from one of the independent claims discussed above, and the rejection of these claims also should be withdrawn. These dependent claims are patentable over the cited references for the reasons provided with respect to the corresponding independent claims and for the additional elements recited in the subject dependent claims.

In view of the foregoing remarks, all pending claims are believed to be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,



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